

**Response Under 37 CFR §1.111
U.S. Patent Appln. No. 09/545,592**

selected clauses with a false clause, executing the modified query with the false clause, and retrieving metadata from the result set obtained by executing the modified query.

Goldberg is relied on for disclosing modifying a query to replace one or more selected clauses; executing the modified query; and retrieving metadata from the result set obtained by executing the modified query. The Examiner admits that Goldberg fails to clearly show a false clause and relies upon Chan to satisfy that deficiency. The position taken in the Office Action is that it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Goldberg with the teachings of Chan to satisfy all the limitations of claim 1, because Chan describes the use of HPcode-Plus intermediate compiler language instructions that evaluate a "true clause" and a "false clause" to control pushing items onto the expression stack of an HPcode-Plus virtual machine.

Even if there were a suggestion in the prior art to combine the teachings of Goldberg and Chan, which it is respectfully submitted there is not, such a combination would not satisfy all the limitations of claim 1. This is because such a Goldberg/Chan combination would not modify a query with a false clause, execute the modified query with the false clause, and retrieve metadata from the result set obtained by executing the modified query.

Goldberg discloses a "visual integrated development environment for generating, installing, initializing and testing query objects which can operate with different databases while presenting a consistent interface to the user," (col. 3, lines 31-35). One feature supported by the integrated development environment is a "data schema access query object" that retrieves metadata for display and to assist the user in constructing a query object (col. 3, lines 47-53). The data schema access query object will also convert a query to a vendor-specific language used by a particular database and submit the query to the database engine (col. 3, lines 56-60).

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However, Goldberg does not teach or even suggest modifying a query for any reason other than to assure syntax compatibility with a database engine. Nowhere does Goldberg teach or even suggest modifying a query with a false clause. Further, Goldberg is entirely silent regarding how metadata is collected by the schema access query object. Nowhere does Goldberg teach or suggest retrieving metadata from a result set obtained by executing the modified query with the false clause. Accordingly, Applicant respectfully submits that Goldberg does not teach or suggest modifying a query with a false clause, executing the modified query with the false clause, and retrieving metadata from the result set obtained by executing the modified query, as required by the claims.

Chan is relied upon for teaching the use of a false clause. Applicant respectfully submits, however, that Chan does not make up for the deficiency of Goldberg.

Chan is directed to a computer software compiler system and method for distributing a machine independent computer program. Chan discloses generating and distributing an application in compiler intermediate code, preferably HPcode-Plus, which is an architecture-independent intermediate code (col. 12, line 45-57). The portion of Chan relied upon in the Office Action describes features of the HPcode-Plus compiler intermediate language (see col. 12, line 55-57) which is similar to an assembly language for a HPcode-Plus virtual (i.e., fictional) computer platform (col. 12, lines 66-68).

Applicant respectfully submits that Chan is non-analogous subject matter. Accordingly, it would not have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Goldberg with the teachings of Chan to satisfy all the limitations of claim 1.

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However, even assuming *arguendo*, that Chan is not non-analogous subject matter, Chan still fails to teach or suggest the limitation that Chan is relied upon to teach. The Examiner cites col. 19, lines 11-35 in Chan, for disclosing use of a false clause as recited in the claim. However, that portion of Chan merely describes management of an expression stack within an HPcode-Plus virtual (i.e., fictional) computer in accordance with the syntax of the HPcode-Plus instruction "CEXP," which is short for "Conditionally Evaluate EXPression." Although aspects of executing an HPcode-Plus CEXP instruction includes use of the terms, "true clause" and "false clause" (col. 19, lines 1-35), nowhere does Chan teach or suggest modifying a query to replace one or more selected clauses with a false clause. Chan also neither teaches nor suggests retrieving metadata by executing the modified query containing a false clause, as required by claim 1. Chan describes the use of HPcode-Plus intermediate compiler language instructions that evaluate to a "true clause" and a "false clause" to control pushing items onto the expression stack of an HPcode-Plus virtual machine. Chan's use of a false clause is not used to modify a query, or to play a role in retrieving metadata.

Accordingly, Applicant respectfully submits that even if the prior art were combined as asserted in the Office Action, the asserted combination would not include all the limitations recited in the claims. For at least these reasons, it is respectfully submitted that the Goldberg/Chan combination asserted in the Office Action does not render claim 1 unpatentable.

The remaining independent claims, 12 and 23, recite similar limitations to those discussed above in claim 1. Accordingly, the asserted Goldberg/Chan combination also does not render independent claims 12 and 23 unpatentable for at least the same reasons.

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The remaining claims contain by reference all the limitations of one of claims 1, 12 and 23. Accordingly, it is respectfully submitted that those claims are not rendered unpatentable by a Goldberg/Chan combination for at least the same reasons.

Claims 4-5, 15-16 and 26-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. in view of Colby et al. Those claims also contain by reference all the limitations of one of claims 1, 12 and 23, and accordingly, it is respectfully submitted that they are not rendered unpatentable by a Goldberg/Colby combination for at least the same reasons, since Colby does not satisfy the deficiencies of Goldberg.

In view of the foregoing, Applicant respectfully requests the Examiner to find the application in condition for allowance. However, if for any reason the Examiner believes that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned to resolve any issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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